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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,482	10/21/2003	Albert Kiechle	6888-111-US	3844

7590 09/22/2004

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EXAMINER

HAN, JASON

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,482	KIECHLE ET AL.	
	Examiner	Art Unit	
	Jason M Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Radek (U.S. Patent 4251855).

3. With regards to Claim 1, Girot discloses a device for lighting and suspension having a top [Figure 1: (34)] and bottom [Figure 1: (35)] spaced-apart fastening devices secured to a wall; a panel section [Figure 1: (3)] having a wall end [Figure 1: (4)] and an end extending outwardly [Figure 1: (10)] from the wall end; and an attachment [Figure 1: (6)] securing the wall end to the bottom-fastening device.

Girot does not teach a support secured to the top-fastening device and to the outwardly extending end of the panel section for securing the panel section to the top-fastening device.

Radek teaches a light cornice wherein a support [Figure 6: (72)] is connected to an outwardly extending panel section [Figure 6: (70)] and to a top-fastening device [Figure 6: (17')].

It would have been obvious to modify the cover [Figure 1: (24)] of Girot with the support of Radek to ensure a stable and robust hold for the panel section.

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4. With regards to Claim 2, Girot discloses a hinge attachment wherein “the base 7 is engaged within the open cavity delimited by the nose 6 and the proximal extremity 13 by presenting the free end of the base in front of the opening and then swinging the support downwards in order to insert the base 7 in the reception nose 6 [Figure 1; Column 7, Lines 55-60].”

5. With regards to Claim 3, Girot discloses a hinge attachment having an upwardly extending articulation member coupled to a bottom-fastening device [Figure 1: (7)], and a downwardly extending articulation member coupled to a panel section wall end and extending onto the upwardly extending articulation [Figure 1: (6)].

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) as applied to Claim 3 above, and further in view of Radek (U.S. Patent 4251855).

Girot discloses a hinge attachment as cited above in Paragraphs 3-5.

Girot does not teach the hinge attachment having a pair of U-shaped channels formed on the bottom-fastening device and on the panel section wall end, and whereby the upwardly extending articulation member and downwardly extending articulation member are respectively parts of the U-shaped channels. Girot further does not teach an overhang positioned adjacent to the U-shaped channels.

Radek teaches a hinge attachment [Figures 7&8: (17, 17')] wherein two adjoined members are of U-shaped channels [Figures 7&8: (15, 22)], and positioned adjacent to an overhang [Figures 7&8: (P extending behind 22); see also Figures 9&10: (26)].

It would have been obvious to modify the hinge attachment of Girot to incorporate the U-shaped channels adjacent to an overhang, as taught by Radek, to provide a stable and robust hold for the panel section without the use of bolts or screws. It should further be noted that the overhang of Radek is functionally equivalent in providing a proper and secure attachment between the two channels.

7. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) as applied to Claim 1 above, and further in view of Radek (U.S. Patent 4251855).

Girot discloses a device for lighting and suspension as described above in Paragraph 3.

Girot does not teach the device having a support securing the outwardly extending end to the top-fastening device and made up of a pair of straps telescoped together to provide adjustability thereto; a device for securing the straps together; said top-fastening device includes an elongated channel whereby a first of said straps includes a pair of tangs that are adapted to extend into the elongated channel; a latching device coupled to the second of said straps and to the outwardly extending end of the panel section; and a U-shaped appendage with an elongated flexible lip secured to the outwardly extending end of the panel section whereby the second of said straps includes at least one projection with multiple protrusions disposed for snapping over the lip and into the U-shaped appendage.

Radek teaches a panel section [Figure 3: (P)] that is connected to a support [Figure 3: (B)] having a pair of straps [Figure 3: (35, 35')] telescoped together to provide

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adjustability thereto; a device for securing the straps together [Column 3, Lines 19-23]; a first of said straps [Figure 3: (35)] having a pair of tangs [Figure 3: (31)] that are adapted to engage and extend into an elongated channel [Figure 3: (S); Column 3, Lines 11-56]; a latching device [Figure 3: (38)] coupled to a second of said straps [Figure 3: (35')] and to the panel section [Figure 3: (P)]; and a U-shaped appendage [Figure 3: (U)] secured to the panel section whereby a second of said straps includes at least one projection [Figure 3: (38)] with multiple protrusions disposed for snapping into the U-shaped appendage.

With respect to the elongated flexible lip, the examiner considers the above reference functionally equivalent whereby the projection with multiple protrusions of the second strap must enter apertures of the U-shaped appendage and be pressed down upon to snap and lock the support in place [Figure 3]. Girot also teaches a similar snapping/locking means of an attachment whereby a projection [Figure 1: (43)] with multiple protrusions [Figure 1: (45, 45')] are snapped over lips [Figure 1: (19, 19')] and received within two slots/appendages [Figure 1: (18, 18')].

It would have been obvious to modify the lighting device of Girot to incorporate the support of Radek in providing structural integrity between the panel section and top-fastening device, and whereby the support may be easily adjusted in further providing easy access to the light source.

8. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) as applied to Claim 9 above, and further in view of Radek (U.S. Patent 4251855).

With regard to Claims 11-12, Girot discloses a lighting device as cited above in Paragraph 7. Girot further teaches the lighting device including a hinge attachment [Figure 1: (6, 7)] whereby the panel section will pivot about a point of axis [Figure 3: (30)] when the panel section is not attached to the top-fastening device. The hinge attachment has an upwardly extending articulation member coupled to the bottom-fastening device [Figure 1: (7)], and a downwardly extending articulation member coupled to the panel section wall end and extending into the upwardly extending articulation [Figure 1: (6)].

With regard to Claims 13-14, Girot does not teach the hinge attachment having a pair of U-shaped channels formed on the bottom-fastening device and on the panel section wall end, and whereby the upwardly extending articulation member and downwardly extending articulation member are respectively parts of the U-shaped channels. Girot further does not teach an overhang positioned adjacent to the U-shaped channels.

Radek teaches a hinge attachment [Figures 7&8: (17, 17')] wherein two adjoined members are of U-shaped channels [Figures 7&8: (15, 22)], and positioned adjacent to an overhang [Figures 7&8: (P extending behind 22); see also Figures 9&10: (26)].

It would have been obvious to modify the hinge attachment of Girot to incorporate the U-shaped channels adjacent to an overhang, as taught by Radek, to provide a stable and robust hold for the panel section without the use of bolts or screws. It should further be noted that the overhang of Radek is functionally equivalent in providing a proper and secure attachment between the two channels.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Radek (U.S. Patent 4251855) as applied to Claim 1 above. Girot discloses said top- and bottom- fastening devices disposed for attachment on the wall mount [Figure 1: (1)] and for enabling relative positioning thereof with respect to one another for providing maximum stability to establish desired positioning there between and for accommodating any unevenness that may exist in the wall [Column 7, Line 50 – Column 8, Line 2; Claim 2].

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Radek (U.S. Patent 4251855) as applied to Claim 15 above, and further in view of Jordan (U.S. Patent 5381320).

Girot in view of Radek disclose a lighting device, as described above in Paragraphs 3 and 9, including a hinge attachment for enabling the panel section to be pivoted with respect to the bottom-fastening device when the panel section is unattached to the top-fastening device.

Neither Girot nor Radek disclose a lighting device having a light fixture with at least one light bulb adapted to be secured to a wall, and positioned between the top- and bottom- fastening devices.

Jordan discloses a light fixture [Figures 1&2: (11)] having two light bulbs [Figures 1&2: (L)], and whereby the light fixture is positioned onto a wall mount [Figures 1&2: (13)] in the center of a light diffuser [Figures 1&2: (71)].

It would have been obvious to modify the lighting device of Girot with the support of Radek in order to incorporate the wall-mounted light fixture of Jordan. The fixture of

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Jordan redistributes the weight of the light fixture onto a wall rather than on the panel section. By positioning the light source between the top- and bottom- attachments will also allow the light to be directly/indirectly illuminated via shield/cover/diffuser/panel section, in addition to the light fixture being accessible for service and replacement of a light bulb when the panel section/diffuser is pivoted with respect to the hinge attachment [see Jordan's Abstract; Figure 2].

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Radek (U.S. Patent 4251855), and in further view of Jordan (U.S. Patent 5381320).

Girot discloses a panel section [Figure 1: (3)] having a wall end [Figure 1: (4)] and an end extending outwardly from said wall end [Figure 1: (10)]; top [Figure 1: (34)] and bottom [Figure 1: (35)] spaced-apart fastening devices adapted to be secured to a wall [Figure 1: (1)]; a downwardly extending U-shaped channel secured to said wall end of the panel section [Figure 1: (7)]; and a light shield positioned between the top- and bottom- fastening devices and adjacent to the spaced-apart fastening devices [Figure 1: (3)].

Girot does not specifically teach the bottom-fastening device having U-shaped attachments; a support used to secure the top-fastening device to the outwardly-extending end of the panel section; and a light fixture having at least one light bulb adapted to be secured to a wall and positioned between the top- and bottom- fastening devices.

Radek teaches a light cornice wherein a support [Figure 6: (72)] is connected to an outwardly extending panel section [Figure 6: (70)] and to a top-fastening device [Figure 6: (17')]; another support [Figure 3: (B)] comprising of a pair of straps [Figure 3: 35, 35'] telescoped together to provide adjustability thereto and a device for securing the straps together [Column 3, Lines 19-23]; a pair of tangs [Figure 3: (31)] on a first of said straps [Figure 3: (35)] adapted to engage and extend into an elongated channel [Figure 3: (S); Column 3, Lines 11-56]; a latching device [Figure 3: (38)] coupled to a second of said straps [Figure 3: (35')] and to said panel section [Figure 3: (P)]; a U-shaped appendage [Figure 3: (U)] secured to the panel section, and whereby the second strap includes a projection [Figure 3: (38)] with multiple protrusions disposed for snapping into the U-shaped appendage; a hinge attachment [Figures 7&8: (17, 17')] wherein two adjoined members are of U-shaped channels [Figures 7&8: (15,22)]; and an overhang positioned adjacent to the U-shaped channels [Figures 7&8: (P extending behind 22)] and providing for further attachment strength.

Jordan discloses a light fixture [Figures 1&2: (11)] comprising of two light bulbs [Figures 1&2: (L)], and whereby it is positioned onto a wall mount [Figures 1&2: (13)] in the center of a light diffuser [Figures 1&2: (71)].

It would have been obvious to modify the lighting device of Girot with a bottom-fastening device comprising U-shaped attachments and a support used to secure the top-fastening device to the outwardly extending end of the panel section, as taught by Radek. It would have been further advantageous to then modify the lighting device of Girot to incorporate a light fixture having at least one light bulb adapted to be secured to

a wall and positioned between the top- and bottom- fastening devices as taught by Jordan. Please note that the examiner is aware of the minor details left out, and considers the above modifications as obvious structural design improvements, which were previously discussed and rejected under Paragraphs 3-10. All of the above modifications provide obvious functional equivalents and also provides the lighting device with an easy installation over highly contrasting/uneven/rough wall surfaces, easy access to the light source for service/repairs, and an adjustable but firmly established panel section that affects illumination according to a user's preference.

12. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Jordan (U.S. Patent 5381320).

With regards to Claim 18, Girot discloses a lighting device whereby a top- [Figure 1: (34)] and bottom- [Figure 1: (35)] fastening device are secured to a wall [Figure 1: (1, 2)].

Girot does not teach a light fixture positioned between the top- and bottom- fastening devices and secured to a wall.

Jordan discloses a light fixture [Figures 1&2: (11)] having two light bulb [Figures 1&2: (L)], and whereby the light fixture is positioned onto a wall mount [Figures 1&2: (13)] in the center of a light diffuser [Figures 1&2: (71)].

It would have been obvious to modify the lighting device of Girot to incorporate the wall-mounted light fixture of Jordan in order to redistribute the weight of the light fixture onto a wall rather than on the panel section. By positioning the light source between the top- and bottom- attachments will also allow for the light to be

directly/indirectly illuminated via shield/cover/diffuser/panel section, in addition to the light fixture being accessible for service and replacement of a light bulb when the panel section/diffuser is pivoted with respect to a hinge attachment [see Jordan's Abstract; Figure 2].

13. With regards to Claim 19, Girot discloses the hinge attachment having an upwardly extending articulation member coupled to the bottom-fastening device [Figure 1: (7)], and a downwardly extending articulation member coupled to the panel section wall end and extending into the upwardly extending articulation [Figure 1: (6)]. Girot further teaches a hinge attachment [Figure 1: (6, 7)] whereby the panel section will pivot about a point of axis [Figure 3: (30)] when the panel section is not attached to the top-fastening device. This enables the panel section to be pivoted about an end, and thereby allowing easy accessibility to the light fixture.

14. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girot et al. (U.S. Patent 5331526) in view of Jordan (U.S. Patent 5381320) as applied to Claim 19 above, and further in view of Radek (U.S. Patent 4251855).

Girot in view of Jordan, as described in Paragraphs 12-13 above, teach a method for enabling a lighting device to be secured to a wall, and for providing easy access to a light fixture shrouded by a light cove/panel section.

Neither Girot nor Jordan teach a method providing for an interleaved and adjustable construction between the panel section to the top fastening device.

Radek teaches both a support [Figure 6: (72)] connected to an outwardly extending panel section [Figure 6: (70)] to a top-fastening device [Figure 6: (17')].

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Radek further teaches a support [Figure 3: (B)] including a pair of straps [Figure 3: 35, 35'] telescoped together to provide adjustability thereto and a device for securing the straps together [Column 3, Lines 19-23].

It would have been obvious to modify the lighting device of Girot with the light fixture of Jordan to also incorporate the support of Radek to ensure a stable and robust hold for the panel section and further providing easy access to the light source.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art relevant to the current application:

U.S. Patent 4533981 to Radek;

U.S. Patent 2986627 to Marriett;

U.S. Patent 2569518 to Simon Deutsch et al.;

U.S. Patent 4725931 to Bourdon;

U.S. Patent 4406435 to Anderson;

U.S. Patent 5931426 to Heckner;

U.S. Patent 5720540 to Crown et al.;

U.S. Patent D489472 to Newhouse et al.;

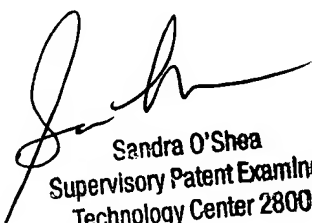
U.S. Patent 4186538 to Marcum, Jr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH



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